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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,327	01/12/2001	John H. Chiloyan	MICR0199	2689

27792 7590 06/16/2004

MICROSOFT CORPORATION
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600 108TH AVENUE N.E., SUITE 507
BELLEVUE, WA 98004

EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,327

Applicant(s)

CHILOYAN ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-18 and 22-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Leigh (US006728787B1).
4. With regard to claims 1 and 22-23, Leigh reference discloses,
 - *providing a network address (network address 232) in a storage (non-volatile memory 231) of the peripheral device (peripheral device 230);* (Leigh, col.1, line 66 – col.2, line 1; col.2, lines 35-38; modules 230-232, fig.1; Leigh teaches of storing a network address and a device identification in a non-volatile memory of the peripheral device)
 - *when the peripheral device is coupled to a host device (destination computer 200), transferring the network address from the peripheral device to the host device; and* (Leigh, col.1, lines 65-66; col.2, lines 1-3; col.3, lines 19-21; module 310, fig.3; Leigh teaches of connecting the peripheral device to the destination computer and transferring the stored network address in the peripheral device to the destination computer)
 - *enabling communication between the host device and a source (source computer 300) indicated by the network address, said communication pertaining to the peripheral device.* (Leigh, col.2, lines 3-9, lines 33-34; col.3, lines 6-16, lines 21-23; Leigh teaches of connecting the destination computer to the source computer using the stored network address in the peripheral device and retrieving device drivers for the peripheral device)
5. With regard to claims 2-4, 8-10 and 24-26, Leigh reference discloses,
 - *wherein the step of providing comprises the step of storing the network address in an addressable memory of the peripheral device.* (Leigh, col.1, line 66 – col.2, line 1; col.2, lines 35-38; col.3, lines 1-3; modules 230-232, fig.1; Leigh teaches

of storing a network address and a device identification in a non-volatile memory of the peripheral device)

- *wherein the step of transferring comprises the steps of: (a) providing a pointer to a location in the addressable memory of the peripheral device at which the network address is stored; (b) communicating the pointer to the host device; and (c) using the pointer to access the location in the addressable memory of the peripheral device, communicating the network address to the host device from said location. (Leigh, col.1, lines 65-66; col.2, lines 1-3, lines 50-51; col.3, lines 19-21; module 310, fig.3; Leigh teaches of connecting the peripheral device to the destination computer and transferring the stored network address in the peripheral device to the destination computer)*

6. With regard to claims 11-18 and 27-34, Leigh reference discloses,

- *wherein the step of enabling communication comprises the step of automatically retrieving at least one of data, machine instructions, and a document pertaining to the peripheral device from the source indicated by the network address. (Leigh, col.2, lines 3-9; col.3, lines 6-16; Leigh teaches of connecting the destination computer to the source computer using the stored network address in the peripheral device and retrieving device drivers for the peripheral device)*
- *wherein the step of enabling communication comprises the step of automatically executing a setup program obtained from the source and pertaining to the peripheral device. (Leigh, col.2, lines 3-9; col.3, lines 6-16, lines 24-33)*
- *wherein the step of enabling communication comprises the step of automatically installing a device driver program pertaining to the peripheral device, on the host device. (Leigh, col.2, lines 3-9; col.3, lines 6-16; Leigh teaches of connecting the*

destination computer to the source computer using the stored network address in the peripheral device and retrieving device drivers for the peripheral device)

- *wherein the step of enabling communication comprises the step of automatically downloading and installing updated firmware into the peripheral device.* (Leigh, col.2, lines 3-9; col.3, lines 6-16, lines 42-45)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7, 19-21 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leigh (US006728787B1) and in view of Fleming (US006473854B1).
9. With regard to claims 5-7, 19-21 and 36-37, Leigh reference discloses the invention substantially as claimed,

See *claims 1 and 23* rejection as detailed above.

However, Leigh reference does not explicitly disclose,

- *further comprising the step of detecting a change in the number of peripheral devices connected to the host device to determine when the peripheral device is connected to the host device.*

Fleming teaches,

- *further comprising the step of detecting a change in the number of peripheral devices connected to the host device to determine when the peripheral device is*

connected to the host device. (Fleming, col.2, lines 1-10, lines 18-23; col.4, lines 25-32)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Fleming reference with Leigh reference to enable a device for utilization upon detection of its presence by automatically retrieving from a locator specifying the location (network address) that is stored in the memory of the device and installing the device driver once it is retrieved.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Perlman et al. (US006023585A)
- Fensore et al. (US006353866B1)
- Sartore et al. (US006249825B1)
- Larky et al. (US006389495B1)
- Garney (US006081850A)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Art Unit: 2143

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

June 12, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100